

### **REMARKS**

Claims 1-28 are pending. In the Office Action of August 12, 2005, the examiner rejected claims 1-4, 7-12, 14-17, 20, 21, 23-25, 27, and 28 under 35 U.S.C. § 102(e) as being unpatentable over Yang et al., U.S. Patent No. 6,088,577 ("Yang") and rejected claims 18, 19, and 22 under 35 U.S.C. § 103(a) as being unpatentable over Yang in view of Dorenbosch, U.S. Patent No. 5,959,546. The Examiner indicated that claims 5, 6, 13 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

The Examiner's rejections are traversed below. Applicant gratefully acknowledges the recognition of patentable subject matter in claims 5, 6, 13 and 26.

#### **Summary of the Invention**

The present invention provides a method and apparatus for providing informative broadcast services in a wireless communication system. The wireless communication system includes a plurality of base stations, each serving a plurality of users via a plurality of communication channels. According to the invention, an alerting message is sent to wireless communication devices associated with the wireless network. The alerting message identifies a communication channel on which a broadcast message will be sent. The alerting message indicates to a user that a broadcast message is available. After the alerting message is given, the broadcast message is sent over the communication channel. The alerting message and the broadcast message are separate communications. After receiving the alerting message, the user may then decide to receive the broadcast message. Alternatively, the user may ignore the broadcast or toggle between the broadcast and an existing call. The broadcast message is information for the user, such as a weather broadcast, emergency bulletin, news, sports or the like.

#### **Claims 1-4, 7-12, 14-17, 20, 21, 23-25, 27 and 28 are Patentable Over Yang**

The Examiner rejected claims 1-4, 7-12, 14-17, 20, 21, 23-25, 27 and 28 under 35 U.S.C. § 102(e) as being unpatentable over Yang. The Applicant respectfully traverses the rejection with respect to these claims on the basis that these claims include certain

novel limitations that are not disclosed by Yang. In particular, as discussed further below, Yang fails to disclose, at least, transmitting a broadcast message to a plurality of users after transmitting an alert message to a user.

Yang is not directed to sending broadcast messages. Instead, Yang discloses a paging system that uses extra bandwidth in FM radio transmissions for sending private audio pages. Yang sends a first message in advance of a subsequent audio message. The first message alerts one particular pager that an audio message is coming for that pager. Subsequent to this alerting message, the one pager receives the audio message that is broadcast over an FM channel. The audio message sent in Yang is not a “broadcast” message. Instead that audio message is a private message for a specifically identified pager. The broadcast messages contemplated by the present invention are messages, such as news, sports or stock reports, for plural users.

Claim 1 requires, *inter alia*, that the “alert message indicating to said plurality of users that a broadcast message is available; and transmitting said broadcast message ... to said plurality of users.” Yang does not disclose transmitting a broadcast message to a plurality of users. The private page of Yang is transmitted to a single pager. Moreover, it does not appear that a “user” is alerted in Yang, but rather the pager is alerted to receive the audio page. *See*, Yang, column 7, lines 23-28. Hence, claim 1 is patentable over Yang.

Each of independent claims 12 and 24 requires an alert message indicating to a user a subsequent broadcast message. As discussed above, with respect to claim 1, Yang does not disclose, suggest or teach, at least this novel element of the present invention. Additionally, Yang does not disclose, teach or suggest an alert message including a dialing instruction by which users may request a broadcast message, as recited in claim 27. Hence, independent claims 12, 24 and 27 are patentable. The dependent claims 2-11, 13-23, 25-26 and 28 depend ultimately from one of the independent claims, and are patentable for at least the reasons given above for the independent claims.

The Claims Are Patentable Over Yang and Dorenbosch

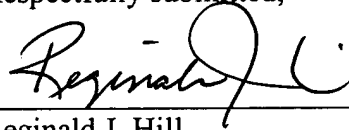
The Examiner rejected claims 18, 19, and 22 under 35 U.S.C. § 103(a) as being unpatentable over Yang in view of Dorenbosch. According to the Examiner, Yang teaches all the elements of the subject claims, except Yang fails to teach or disclose “alerting comprises a user-visible signal and a user-audible signal.” According to the Examiner, Dorenbosch teaches the elements missing from Yang. The Examiner concludes that the claims are obvious in view of the combination of Yang and Dorenbosch.

The Applicant disagrees with the Examiner's conclusion. A combination of Yang and Dorenbosch fails to disclose certain novel elements of the subject claims. Namely, a combination of Yang and Dorenbosch fails to disclose first alerting the user (not the pager) to the availability of a broadcast message and then the broadcast message being sent over a channel that the user can access at the users option, as discussed above. In addition, Dorenbosch does not even address the problem solved by the present invention. Dorenbosch relates to selective call receiving through addressing. While some audible and visual alerting are mentioned in Dorenbosch, the context there is not applicable to the teachings of the present invention. Hence, there is no motivation for one of ordinary skill in the art to combine the references to address the problems solved by the present invention.

**CONCLUSION**

All pending claims are in condition for allowance. Allowance at an early date is solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Reginald J. Hill", is written over a horizontal line.

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